

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.215

CRM-M-2460-2017

Date of decision: 15.12.2021

Ajmer Singh @ Fauji

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S.P.S. Sidhu, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Yogesh Goel, Advocate and
Mr. Vishal Dhiman, Advocate
for the complainant.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.16 dated 16.02.2016, registered under Sections 302, 307, 323, 324, 506, 148, 149 IPC at Police Station Sudhar, District Ludhiana.

The petitioner, alongwith his co-accused is being prosecuted for murder of Harvinder Kaur as also for giving injuries to Bimla Rani.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; after investigation of the case, the petitioner was found innocent and resultantly in the report filed under Section 173 Cr.P.C., he was placed in column no.2; thereafter another enquiry, which was per se illegal took place as a result whereof supplementary challan was filed in which the petitioner was sought to be prosecuted for the aforesaid offences; the petitioner is in custody since 24.08.2016; all material witnesses have been examined and therefore, the petitioner is not in a position to influence them and that since 07 prosecution witnesses still remain to be examined in the petitioner's trial as also that the petitioner is yet to lead his defence evidence, the same is likely to take a long time to conclude.

Learned State counsel as also learned counsel for the complainant oppose the grant of bail to the petitioner on the ground that he has murdered Harvinder Kaur and caused injuries on the head of Bimla Rani.

Whether the petitioner is innocent in terms of the challan filed by the State or is guilty in terms of the supplementary challan would be debated during the course of his trial. However, he is in custody for the last nearly 05 years and 04 months; all material witnesses stand already examined; since 07 prosecution witnesses still remain to be examined and defence evidence still remains to be led in the petitioner's trial, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

December 15, 2021

Jyoti 1

Whether speaking/reasoned
Whether reportable

(DEEPAK SIBAL)
JUDGE

Yes/No
Yes/No